

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:07cr33-10

UNITED STATES OF AMERICA,)

)

)

vs.

)

ORDER

)

)

JOHN WILSON PATTON.)

)

THIS MATTER is before the Court *sua sponte*.

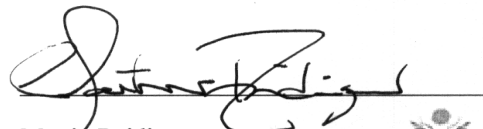
In October 2011, the United States Court of Appeals for the Fourth Circuit remanded this case for re-sentencing. United States v. Patton, 2011 WL 4600665 (4th Cir. 2011). The re-sentencing will result in a decrease in the Defendant's period of incarceration.

In February 2012, the Court appointed counsel for the Defendant and ordered that the Defendant be transported to this District for re-sentencing. [Doc. 427]. The United States Marshal subsequently advised the Court that the Defendant, who is in custody at a federal correctional medical facility, was too ill to travel. Counsel for the Defendant contacted him and asked if the Defendant would consent to being sentenced in *absentia*. Counsel reported to the Court that the Defendant would not so consent.

The Court will now require counsel to make such inquiry again. Counsel shall also advise the Court as to the Defendant's medical condition, including a statement as to whether his medical condition precludes or seriously limits his ability to travel to this District.

IT IS, THEREFORE, ORDERED that on or before fifteen (15) days from entry of this Order, defense counsel shall file written response in accordance herewith.

Signed: September 26, 2012



Martin Reidinger
United States District Judge

